

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA AT ROANOKE for HARRISONBURG

UNITED STATES OF AMERICA

vs.

**DUSTIN SCOTT FILES**

Present/Custody

Criminal Action:

Date:

Judge:

Court Reporter:

Deputy Clerk:

Probation Off.:

Type of Hearing:

5-07-cr-00063-006

09-09-2008

Glen E. Conrad

Judy Webb

Susan Moody

Lollie Burns

**SENTENCING**

**COUNSEL OF RECORD**

USA Attorney:

R. Andrew Bassford for Don Wolthuis

Atty for Deft:

Kerry Armentrout

**WITNESSES**

Lollie Burns, USPO

Russ Taylor, Task Force Officer

Dustin Files

- X** Court inquires as to Obj to PSI: Factual-Yes Guideline App-No
- X** Objections noted as follows: Deft obj to drug wgt attributed to this deft see ¶83, pgs. 28, 31 & 32 of PSI - Evidence taken
- X** Rulings/Findings of Fact: Court sustains in part/overrules in part defts objection - Agrees that ¶83 and info provided by Bowley can't be used in sentencing this deft. Following recess, parties agree that deft should be held liable for between 5 -15 kilograms of cocaine powder. Deft so states on record as being in agreement. Ct finds that as a matter of law the wgt stated in PSI is overstated and will sentence deft based on 5-15 kilograms powder.

**SENTENCE IMPOSED AS FOLLOWS:**

**CBOP** 180 mos

**SUPREL** 5 yrs

**FINE** \$1000 -Reduced-inability to pay

Payable in equal mo. installments of \$50 or 50% of income w/e is less & while on SR in mo. installments of \$75

**SP/ASMT** \$100 Special Conditions of Supervision: # as needed

- 1 - The defendant shall participate in a program of testing and treatment for substance abuse, as directed by the probation officer, until such time as the defendant is released from the program by the probation officer.
- 2 - The defendant shall participate in a program of mental health treatment, as directed by the probation officer, until such time as the defendant is released from the program by the probation officer.
- 3 - The defendant shall reside in a residence free of firearms, ammunition, destructive devices, and dangerous weapons.
- 4 - The defendant shall submit to warrantless search and seizure of person and property as directed by the probation officer, to determine whether the defendant is in possession of firearms and illegal controlled substances.

- X** Ct recommends as follows:
- X** Evaluation for placement and treatment in any drug treatment programs available given defendant's record
- X** Ct recommends placement @ FCI Talladega, Alabama on request of defendant
- X** Advised as to Appeal Rights
- TIME IN COURT 1 hr 10 mins.